

REMARKS

Claims 1-4, 8, 9, 12, 18, 19, 21, 30-32, 38 and 39 have been amended. Claims 10, 11, 15, 16, 27, 28, 35 and 36 have been canceled. Therefore claims 1-9, 12-14, 17-26, 29-34 and 37-39 are pending in the application.

Rejections:

The Office Action rejected claims 1-6, 10, 12-15, 20-27 and 32-35 under 35 U.S.C. § 102(e) as being anticipated by Saito (U.S. Patent 6,694,475), claims 7, 17, 29 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Elliot et al. (U.S. Patent 5,392,425), and claims 11, 16, 28 and 36 as being unpatentable over Saito in view of Bains (U.S. Patent 5,701,438). Applicant asserts that the pending claims are patentably distinguishable over the cited art for at least the following reasons.

In regard to claim 1, the cited art does not teach or suggest that the second operand is provided by a source other than the first and second memory banks, wherein the source of the second operand and the accumulator memory each comprise a same type and speed of memory. In Saito, one operand is provided by either RAM(p1) 30 or RAM(p2) 31, and the second operand is provided by dual-port DRAM 12 (Saito -- col. 9, lines 14-51). RAM(p1) 30 and RAM(p2) 31 are single port memories whereas DRAM 12 is a dual-port memory (Saito -- col. 6, lines 11-18). Thus, Saito does not teach that the operands are provided by the same type of memory.

The Examiner also cites Bains. However, Bains teaches the use of different memory types (EDO DRAM, SDRAM, FP DRAM in Fig. 2). Thus, Bains actually suggests the desirability of using different memory types, not the same memory type. Furthermore, Saito requires that memory 12 be a dual-port memory in order to store data from both disk 17 (RAM port) and the host (SAM port). *See* Saito -- Figs. 1 and 3, and col. 6, lines 11-18. Thus, it would be counter to Saito's intended purpose to modify the memory type. If a proposed modification would render the prior art feature

unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). The combination of Saito and Bains actually teaches away from the operands being provided by the same type of memory, given that Bains expressly teaches the desirability of the use of different memory types and Saito requires that its memory 12 be a dual-port memory as opposed to the single port memories 30 and 31.

Allowable Subject Matter:

Claims 8, 9, 18, 19, 30, 31, 38 and 39 were rejected to as being dependent upon a rejected base claim but otherwise allowable if rewritten in independent form. Claims 8, 9, 18, 19, 30, 31, 38 and 39 have been rewritten in independent form including all limitations from any intervening claims. Thus, Applicant asserts that claims 8, 9, 18, 19, 30, 31, 38 and 39 are in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-82000/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees ().
- Other:

Respectfully submitted,



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